Message

From: Ex. 6 Personal Privacy (PP) @gmail.com]
Sent: 5/2/2022 7:04:53 PM
To: Flege, Kyrre (AGR) [KFlege@agr.wa.gov]
CC: Rau, Ben (ECY) [benr461@ECY.WA.GOV]; Sandison, Derek (AGR) [DSandison@agr.wa.gov]; Watson, Laura (ECY) [lawa461@ecy.wa.gov]; Jacobson, Marty (ECY) [MAJA461@ecy.wa.gov]; McLain, Kelly (AGR) [KAardal@agr.wa.gov]; Ex. 6 Personal Privacy (PP) icloud.com; Daniel (AGR) [DSulak@agr.wa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Julia.Reitan@washington.sierraclub.org; Regan, Michael [Regan.Michael@epa.gov]; Eoc, Epahq [Eoc.Epahq@epa.gov]; washington@tnc.org; Anson.Tebbetts@vermont.gov; Terry.Smith@vermont.gov; psa@pugetsoundkeeper.org; Peak, Nicholas [Peak.Nicholas@epa.gov]; Andrew Hawley [hawley@westernlaw.org]; Craig Bowhay [cbowhay@nwifc.org]; steveo@co.skagit.wa.us; rickh@co.skagit.wa.us; mpia461@ecy.wa.gov; Jamila (GOV) [Jamila.Thomas@gov.wa.gov]; Blackmore, Laura (PSP) [laura.blackmore@psp.wa.gov]; Alex (PSP) [alex.mitchell@psp.wa.gov]; Ahren (PSP) [ahren.stroming@psp.wa.gov]; RCO MI General Info (RCO) [info@rco.wa.gov]; Kyle K (DFW) [Vincent.Adicks@dfw.wa.gov]; Erik (GSRO) [erik.neatherlin@gsro.wa.gov]; info@charlietebbutt.com; info@blueriverlaw.com; jlaughlin@cascwild.org; nick@cascwild.org; nrdcinfo@nrdc.org; Ex. 6 Personal Privacy (PP) @gmail.com; blanouette@upperskagit.com; michaelk@skagitlandtrust.org; vonessen.ashley@nisqually-nsn.gov; Epstein, Larry (PSP) [larry.epstein@psp.wa.gov]; diane.hennessey@epa.gov; marine@washington.sierraclub.org Ex. 6 Personal Privacy (PP) @olympus.net Ex. 6 Personal Privacy (PP) @msn.com; Ralph (ECY) [RSVR461@ecy.wa.gov]; hpickernell@chehalistribe.org; andy.joseph@colvilletribes.com; dbarnett@cowlitz.org; lisa.martinez@hohtribe-nsn.org; rallen@jamestowntribe.org; jeromys@pgst.nsn.us; tomwooten@samishtribe.nsn.us; gmiller@skokomish.org; trgobin@tulaliptribes-nsn.gov; delano_saluskin@yakama.com; bill.sterud@puyalluptribe-nsn.gov; nmaltos@sauk-suiattle.com; ewhite@stillaguamish.com
Subject: Re: Weekly Goals Sandison / Watson, Flege, Rau

Thank you Mr. Flege for your timely reply.

Perhaps Ms. Watson and Mr. Sandison can take note of your prompt reply responding similarly along with their explanation why tacitly allowing non point pollution in flood plains, such as the 500 cu yards flooded twice in this area and manure applications on frozen ground and snow subsequently flooded through voluntary compliance is superior to using USDA BMPs eliminating flood plain manure applications, and states such as Vermont whose regulations eliminate flood plain manure application shown to be without burden to agriculture.

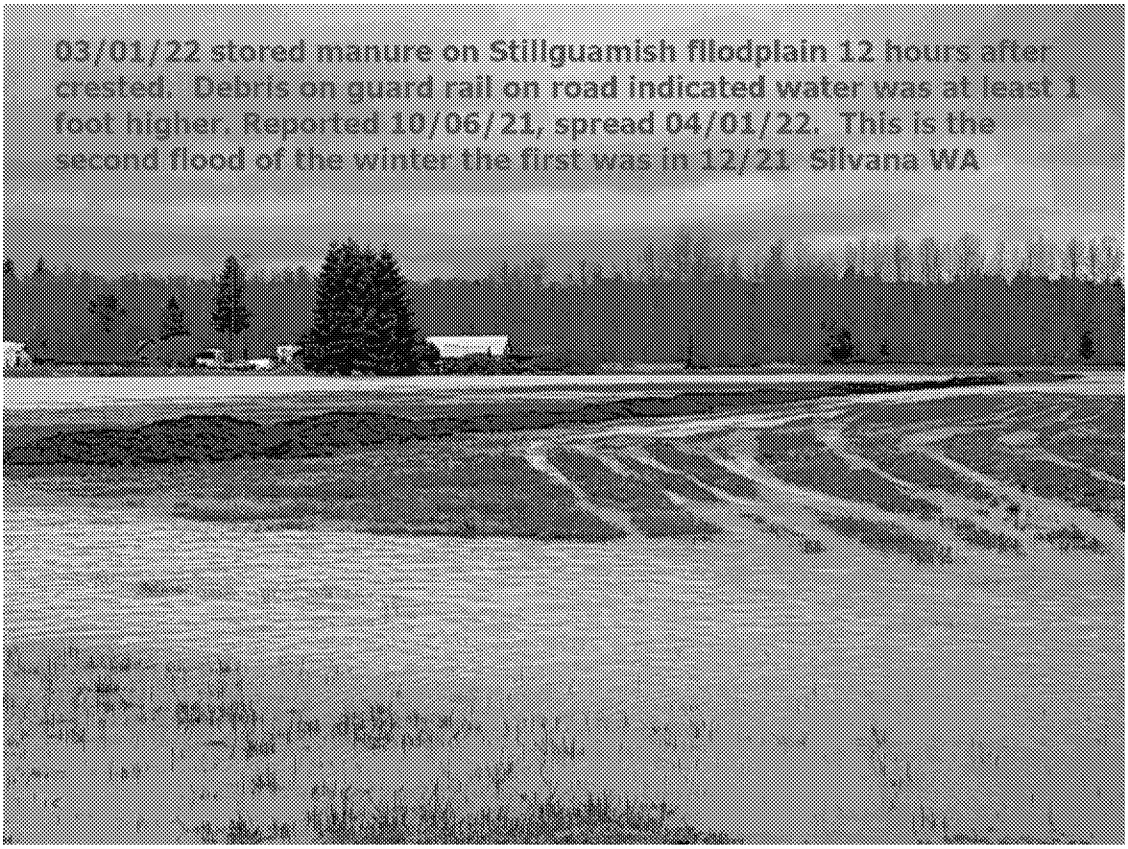
Ms. Watson and Mr. Sandison?

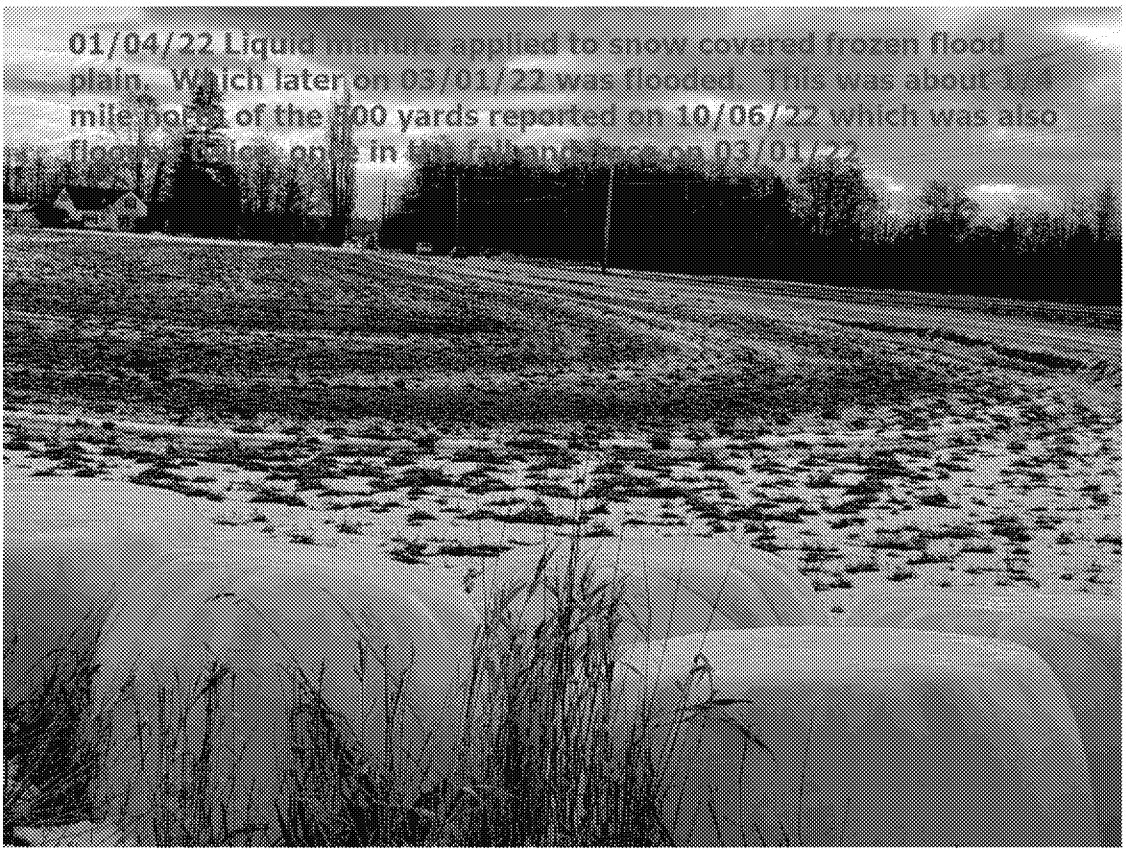
In Stanwood, I am,

Ex. 6 Personal Privacy (PP)

16 REASONS FOR A WASHINGTON STATE FLOOD PLAIN AGRICULTURAL NON POINT POLLUTION ADVISORY GROUP TO PROPOSE ELIMINATION OF MANURE APPLICATION IN FLOOD PLAINS DURING THE FLOODING SEASON AS IMPLEMENTED BY OTHER STATES AND SUGGESTED BY THE USDA WITHOUT ADVERSELY AFFECTING AGRICULTURE

1. Graphic evidence through pictures of manure in contact with flood waters and applications to frozen snow covered lands in flood plains, the problem being likely much more extensive due to the relatively small flood plain area surveyed and lack of similar complaints. Multiplied through flood plains of the Skagit, Nisqually, Snohomish and other river systems, this non point agricultural pollution may be projected to be a serious environmental problem leading to lowered salmon populations
2. Historic ERTs complaints over more than a decade describing similar problems
3. Farmers unable to manage lagoons applying manure next to drainage canals during typical rainy periods in October in flood plains claiming typical rainfalls are some unexpected phenomena
4. Comprehensive reports by the Western Environmental Law Center and NWIFC which have not been implemented for non point pollution in flood plains
5. Apparent lack of equal stakeholder representation such as in the Salmon Recovery Funding Board and likely the Agriculture and Water Quality Advisory Committee
6. Reports by ECY and WSDA inspectors indicating "challenges" and farmer's general problems in weather and flood forecasting leading to non point pollution through runoff and floods which has been shown to be a chronic occurrence in the ERTs database in flood plains
7. USDA BMPs / guidance forgoing manure application in flood plains during the flooding season in flood plains
8. An Agriculture and Water Quality Advisory Committee to busy to address or unaware of the non point agricultural pollution problem in floodplains to make it a high priority
9. Millions of taxpayer dollars spent with minimal or no impact, while obvious significant non point agricultural floodplain problems due to special interests are ignored
10. Remaining salmon populations are at less than 5% of historic levels - Western State Environmental Law Center
11. A report from the Governor's office focused on the Loomis bill indicating ever decreasing salmon populations, now at the critical level. The ever decreasing population indicates widespread environmental habitat problems to various salmonoids due to habitat degradation in part due to entirely preventable non point pollution caused by manure applications in flood plains
12. Failed communications between ECY and WSDA for over two months leading to flood plain stored manure being flooded and liquid manure application on frozen snow covered ground not being prevented by timely investigation.
13. Both the WSDA (Sulak) and ECY (Jacobson) Inspection results indicating the voluntary regulations for preventing flood plain non point pollution continue to be ineffective.
14. Problematic manure applications: "Our investigation into these matters highlights some of the challenges of conducting agricultural activities in frequently flooded areas." Marty Jacobson ECY Inspector 4/1/22
15. No RCRA cradle to grave style responsibility for manure, exporting loophole causing stored manure on flood plain inundated by floods causing non point agricultural pollution
16. In practice Winter Period Application of Manure in Washington State https://efotg.sc.egov.usda.gov/references/public/WA/WA_TN13_021234.pdf is ineffective in managing non point pollution in flood plains, particularly item 6 in the Limitations section as historically it has been shown flooding can not be predicted accurately, nor is there any incentive to be mindful of flooding frequently causing non point agricultural pollution without penalty.


03/01/22 stored manure on Stillguamish filodplain 12 hours after
crested. Debris on guard rail on road indicated water was at least 1
foot higher. Reported 10/06/21, spread 04/01/22. This is the
second flood of the winter the first was in 12/21 Silvana WA


01/04/22 Liquid manure applied to snow covered frozen flood
plain. Which later on 03/01/22 was flooded. This was about 2.5
mile north of the 700 yards reported on 10/06/22 which was also
flooded [illegible] on 03/01/22

VERMONT

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Ag Resource Management Division
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[phone] 802-828-2431
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Dear Floodplain Farmer,

Enclosed you will find a packet of information that will assist you with understanding and complying with the State's new requirements for agricultural fields located in a floodplain. These new requirements are detailed in the new Required Agricultural Practices (RAPs) which set baseline management requirements for farms of all sizes in Vermont. Compliance for the 2017 and 2018 cropping seasons begins with first understanding where and how the new floodplain RAPs apply on your farm and second, with taking proactive steps to plan to comply and meet the dates outlined in the RAPs.

The Agency of Ag is here to support you and your farm to understand the rules, assist with planning efforts if requested, and to provide technical and financial assistance directly to your farm to implement new management strategies, which may be required to comply with the rules. If at any time you have questions regarding how these new rules apply to your farm, please call the Agency of Ag Water Quality Division directly at: **802-828-2431**

The RAPs for agricultural floodplain management include:

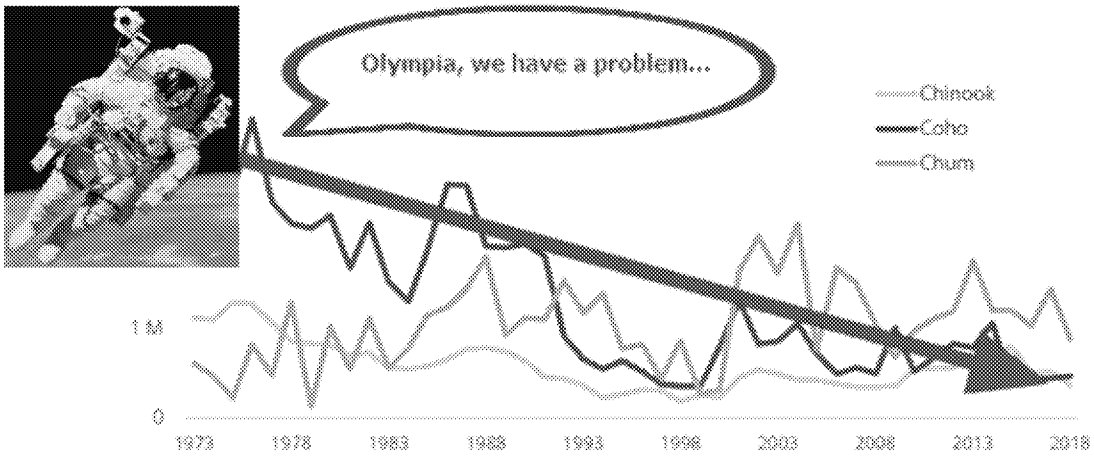
1. An extended winter manure spreading ban on frequently flooded soils: From October 16th – April 14th
2. Any manure applied to floodplains must be injected or otherwise incorporated within 10 hours, unless the field is in no-till, is cover cropped, or is planted to hay, pasture, or other perennial crop.
3. For floodplain fields that grow annual crops (e.g. corn for silage, sweet corn, soybeans, pumpkins), frequently flooded soils on those fields must be planted to cover crop by:
    a. October 1st if the cover crop is broadcast on the surface
    b. October 15th if the cover crop is drilled or otherwise incorporated into the soil
    c. **OR** maintain 30% cover on the surface of the crop field after harvest (e.g. weeds, post-harvest residue [chaff])

General Application Guidelines for Manure from Winter Feeding Stations

Manure is an excellent source of nutrients and organic matter for crop, pasture, and hay, fields. In spite of the known benefits for increasing crop yields, plant nutrients such as commercial fertilizer and manure are under increasing scrutiny due to concerns with water quality. Although healthy stands of perennial vegetation reduce runoff and soil loss, surface applied manure can still pose a risk to water quality. Use the following guidelines to minimize risks to surface and groundwater.

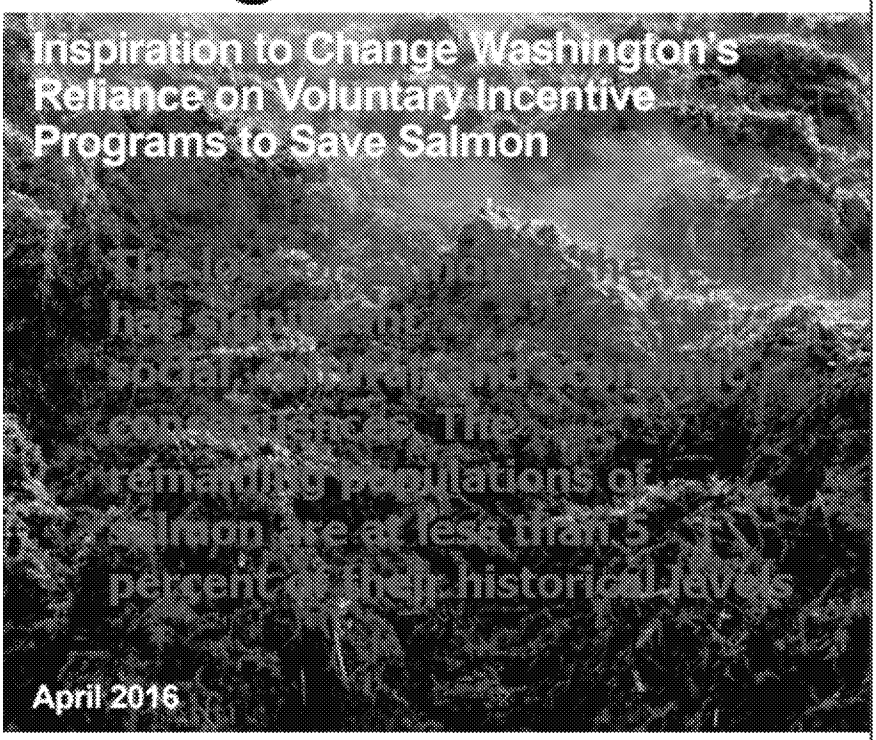
- Take soil tests every four years on fields where manure will be applied. Apply manure on the basis of crop nitrogen needs (N Basis) where soil test phosphorus levels (STP) are below 40-50 lbs. P/acre. Apply on the basis of phosphorus needs (P Basis) when STP levels are greater than 40-50 lbs. P/acre.
- Apply manure at the rate shown in Table 1 below, according to the amount of excess feed in the manure.
- Reduce commercial fertilizer rates when using manure as a nutrient source.
- Pastures grazed intensively seldom need significant applications of supplemental phosphorus or potassium as nearly 80% of these nutrients consumed by livestock are excreted in their manure.
- Service and calibrate application equipment to ensure manure is applied uniformly and at the correct rate. Do not clean application equipment in areas where water can get into a well, stream, river, or other waterbody.
- Do not apply manure within 200 feet of a stream, river, well, sink hole, tile drain inlet, or other waterbody. Consider larger setbacks on slopes greater than 5 percent.
- Do not apply manure on steep slopes unless measures are taken to control both soil erosion and runoff.
- Do not apply manure in sensitive areas (e.g. areas where the water table is 1 foot deep or less, where soils are extremely sandy or gravelly, in wetland areas, on fields that are saturated, on grassed waterways, in drainage areas, next to streams, or in a flood plain).
- Avoid manure applications on frozen or snow covered ground. If manure must be applied on frozen or snow covered ground, do so on areas where surface runoff is controlled.
- Do not apply prior to precipitation events where runoff amount or intensity would be expected to cause runoff.
- Avoid application when soils are wet in order to prevent compaction and rutting.
- Spread at times and in ways that will minimize potential odor problems (e.g. spread when the wind is not blowing, spread in the morning when the air is rising rather than in the afternoon, during holidays, etc.).
- Keep good records of manure applications. Record the crops grown, field(s) and acres that manure is applied to, rate of application, total amount of manure applied, time of application, conditions during application, crop yields, and soil and manure test results.

Salmon harvest, commercial and recreational catch



Source: Washington Department of Fish and Wildlife. Data is for hatchery and wild coho, chum, and Chinook salmon caught (tribal and non-tribal) in the state's rivers and the ocean as reflected on sport catch record cards and commercial landings.

Agricultural Pollution in Puget Sound:



Inspiration to Change Washington's Reliance on Voluntary Incentive Programs to Save Salmon

April 2016

Western Environmental Law Center

On Mon, May 2, 2022 at 7:11 AM Flege, Kyrre (AGR) <KFlege@agr.wa.gov> wrote:
Good morning Ex. 6 Personal Privacy (PP)

The ERTS (#710511) you referenced with specific questions was referred to ECY and has been overseen by Marty Jacobson. He'll be responding to you to help answer your questions.

Best,

Kyrre Flege
Program Manager | Dairy Nutrient Management
Washington State Department of Agriculture
c. 360.746.1249 — e. kflege@agr.wa.gov

From: Ex. 6 Personal Privacy (PP) @gmail.com>
Sent: Sunday, May 1, 2022 11:03:05 AM
To: Rau, Ben (ECY) <benr461@ECY.WA.GOV>; Sandison, Derek (AGR) <DSandison@agr.wa.gov>; Watson, Laura (ECY) <lawa461@ECY.WA.GOV>; Flege, Kyrre (AGR) <KFlege@agr.wa.gov>
Subject: Weekly Goals Sandison / Watson, Flege, Rau

External Email

Just a friendly reminder of your responses are due or either past due for the following:

Sandison / Watson - Justification for not eliminating manure applications in flood plains when it has been shown that with the voluntary compliance program now in place agricultural is unable to predict flooding in a consistent manner causing non point agricultural pollution in Washington state. The response should also address how other states have found regulations prohibiting manure applications to be not a burden to agriculture, yet Washington state is unable to do so. Also addressing how the USDA's preferred BMP elimination of manure applications in flood plains would not be of value in Washington state.

Flege - Information on application of approximate 500 yds of manure subject to flooding on Stillaguamish flood plain reported in ERTs 10/6/2021, spread approximately 4/1/2022